

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 106, 106A, 301, 501, 511 of this title; title 18 section 2319.

§ 114. Scope of exclusive rights in sound recordings**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 106, 112, 501, 511 of this title; title 18 section 2319.

§ 115. Scope of exclusive rights in nondramatic musical works: Compulsory license for making and distributing phonorecords**EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98-450 effective Oct. 4, 1984, but not applicable to rentals, leaseings, lendings (or acts or practices in the nature of rentals, leaseings, or lendings) occurring 13 years after Oct. 4, 1984, see section 4 of Pub. L. 98-450, as amended, set out as a note under section 109 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 106, 501, 511, 708, 801, 804 of this title; title 18 section 2319.

§ 116. Scope of exclusive rights in nondramatic musical works: Compulsory licenses for public performances by means of coin-operated phonorecord players**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 106, 116A, 501, 511, 801, 804, 809 of this title; title 18 section 2319.

§ 116A. Negotiated licenses for public performances by means of coin-operated phonorecord players**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 116, 511, 801, 804 of this title.

§ 117. Limitations on exclusive rights: Computer programs**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 106, 501, 511 of this title; title 18 section 2319.

§ 118. Scope of exclusive rights: Use of certain works in connection with noncommercial broadcasting**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 106, 114, 501, 504, 511, 801, 804 of this title; title 18 section 2319.

§ 119. Limitations on exclusive rights: Secondary transmissions of superstations and network stations for private home viewing**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 106, 111, 501, 511, 801, 804 of this title; title 47 section 613.

§ 120. Scope of exclusive rights in architectural works

(a) **PICTORIAL REPRESENTATIONS PERMITTED.**—The copyright in an architectural work that has been constructed does not include the right to prevent the making, distributing, or public display of pictures, paintings, photographs, or other pictorial representations of the work, if the building in which the work is embodied is located in or ordinarily visible from a public place.

(b) **ALTERATIONS TO AND DESTRUCTION OF BUILDINGS.**—Notwithstanding the provisions of section 106(2), the owners of a building embodying an architectural work may, without the consent of the author or copyright owner of the architectural work, make or authorize the making of alterations to such building, and destroy or authorize the destruction of such building.

(Added Pub. L. 101-650, title VII, § 704(a), Dec. 1, 1990, 104 Stat. 5133.)

EFFECTIVE DATE

Section applicable to any architectural work created on or after Dec. 1, 1990, and any architectural work, that, on Dec. 1, 1990, is unconstructed and embodied in unpublished plans or drawings, except that protection for such architectural work under this title terminates on Dec. 31, 2002, unless the work is constructed by that date, see section 706 of Pub. L. 101-650, set out as an Effective Date of 1990 Amendment note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 106 of this title.

CHAPTER 2—COPYRIGHT OWNERSHIP AND TRANSFER**§ 205. Recordation of transfers and other documents****RECORDATION OF SHAREWARE**

Pub. L. 101-650, title VIII, § 805, Dec. 1, 1990, 104 Stat. 5136, provided that:

“(a) **IN GENERAL.**—The Register of Copyrights is authorized, upon receipt of any document designated as pertaining to computer shareware and the fee prescribed by section 708 of title 17, United States Code, to record the document and return it with a certificate of recordation.

“(b) **MAINTENANCE OF RECORDS; PUBLICATION OF INFORMATION.**—The Register of Copyrights is authorized to maintain current, separate records relating to the recordation of documents under subsection (a), and to compile and publish at periodic intervals information relating to such recordations. Such publications shall be offered for sale to the public at prices based on the cost of reproduction and distribution.

“(c) **DEPOSIT OF COPIES IN LIBRARY OF CONGRESS.**—In the case of public domain computer software, at the election of the person recording a document under subsection (a), 2 complete copies of the best edition (as defined in section 101 of title 17, United States Code) of the computer software as embodied in machine-readable form may be deposited for the benefit of the Machine-Readable Collections Reading Room of the Library of Congress.

“(d) **REGULATIONS.**—The Register of Copyrights is authorized to establish regulations not inconsistent with law for the administration of the functions of the Register under this section. All regulations established by the Register are subject to the approval of the Librarian of Congress.”

CHAPTER 3—DURATION OF COPYRIGHT**§ 301. Preemption with respect to other laws**

[See main edition for text of (a)]

(b) Nothing in this title annuls or limits any rights or remedies under the common law or statutes of any State with respect to—

[See main edition for text of (1)]

(2) any cause of action arising from undertakings commenced before January 1, 1978;

(3) activities violating legal or equitable rights that are not equivalent to any of the exclusive rights within the general scope of copyright as specified by section 106; or

(4) State and local landmarks, historic preservation, zoning, or building codes, relating to architectural works protected under section 102(a)(8).

[See main edition for text of (c) to (e)]

(f)(1) On or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, all legal or equitable rights that are equivalent to any of the rights conferred by section 106A with respect to works of visual art to which the rights conferred by section 106A apply are governed exclusively by section 106A and section 113(d) and the provisions of this title relating to such sections. Thereafter, no person is entitled to any such right or equivalent right in any work of visual art under the common law or statutes of any State.

(2) Nothing in paragraph (1) annuls or limits any rights or remedies under the common law or statutes of any State with respect to—

(A) any cause of action from undertakings commenced before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990;

(B) activities violating legal or equitable rights that are not equivalent to any of the rights conferred by section 106A with respect to works of visual art; or

(C) activities violating legal or equitable rights which extend beyond the life of the author.

(As amended Pub. L. 101-650, title VI, § 605, title VII, § 705, Dec. 1, 1990, 104 Stat. 5131, 5134.)

REFERENCES IN TEXT

Section 610(a) of the Visual Artists Rights Act of 1990 [Pub. L. 101-650], referred to in subsec. (f)(1), (2)(A), is set out as an Effective Date note under section 106A of this title.

AMENDMENTS

1990—Subsec. (b)(4). Pub. L. 101-650, § 705, added par. (4).

Subsec. (f). Pub. L. 101-650, § 805, added subsec. (f).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 605 of Pub. L. 101-650 effective 6 months after Dec. 1, 1990, see section 610 of Pub. L. 101-650, set out as an Effective Date note under section 106A of this title.

Amendment by section 705 Pub. L. 101-650 applicable to any architectural work created on or after Dec. 1, 1990, and any architectural work, that, on Dec. 1, 1990, is unconstructed and embodied in unpublished plans or drawings, except that protection for such architectural work under this title terminates on Dec. 31, 2002, unless the work is constructed by that date, see section 706 of Pub. L. 101-650, set out as a note under section 101 of this title.

CHAPTER 4—COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION

§ 411. Registration and infringement actions

(a) Except for actions for infringement of copyright in Berne Convention works whose

country of origin is not the United States and an action brought for a violation of the rights of the author under section 106A(a), and subject to the provisions of subsection (b), no action for infringement of the copyright in any work shall be instituted until registration of the copyright claim has been made in accordance with this title. In any case, however, where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused, the applicant is entitled to institute an action for infringement if notice thereof, with a copy of the complaint, is served on the Register of Copyrights. The Register may, at his or her option, become a party to the action with respect to the issue of registrability of the copyright claim by entering an appearance within sixty days after such service, but the Register's failure to become a party shall not deprive the court of jurisdiction to determine that issue.

[See main edition for text of (b)]

(As amended Pub. L. 101-650, title VI, § 606(c)(1), Dec. 1, 1990, 104 Stat. 5131.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-650 inserted “and an action brought for a violation of the rights of the author under section 106A(a)” after “United States”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-650 effective 6 months after Dec. 1, 1990, see section 610 of Pub. L. 101-650, set out as an Effective Date note under section 106A of this title.

§ 412. Registration as prerequisite to certain remedies for infringement

In any action under this title, other than an action brought for a violation of the rights of the author under section 106A(a) or an action instituted under section 411(b), no award of statutory damages or of attorney's fees, as provided by sections 504 and 505, shall be made for—

[See main edition for text of (1) and (2)]

(As amended Pub. L. 101-650, title VI, § 606(c)(2), Dec. 1, 1990, 104 Stat. 5131.)

AMENDMENTS

1990—Pub. L. 101-650 inserted “an action brought for a violation of the rights of the author under section 106A(a) or” after “other than” in introductory provisions.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-650 effective 6 months after Dec. 1, 1990, see section 610 of Pub. L. 101-650, set out as an Effective Date note under section 106A of this title.

CHAPTER 5—COPYRIGHT INFRINGEMENT AND REMEDIES

Sec.
511.

Liability of States, instrumentalities of States, and State officials for infringement of copyright.